

REMARKS

The present reply is responsive to the final Office Action dated August 9, 2007. No amendments have been made to the claims. Claims 2-5, 12-15, 22-25 and 32-35 were previously canceled. Therefore, claims 1, 6-11, 16-21, 26-31, and 36-44 are again presented for consideration in view of the following remarks.

Reexamination and reconsideration of the above-identified application, pursuant to and consistent with 37 C.F.R. § 1.116 and in light of the following amendments and remarks, are respectfully requested. Good cause exists for the entry of this amendment in accordance with 37 C.F.R. § 1.116.

A Request for Continued Examination ("RCE") is submitted herewith. The RCE and its attendant fee are submitted solely in view of the new examination regulations and rules of practice set forth in the August 21, 2007 Federal Register (see 72 F.R. 46716 et seq.) which will take effect on November 1, 2007. As the new regulations and rules of practice retroactively affect cases such as this one, which has been pending for more than seven years, applicants have filed the instant RCE to preserve their rights under these retroactive regulations and rules. Should the impending regulations and rules be found unenforceable and/or unconstitutional, applicants hereby preserve their right to seek reimbursement for all fees paid to the PTO in order to comply with same.

Claims 1, 6-9, 11, 16-19, 21, 26-29, 31 and 36-39 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,845,077 ("Fawcett") in view of U.S. Patent No. 6,208,656 ("Hrastar") and U.S. Patent No. 6,058,476 ("Matsuzaki"). Applicants respectfully traverse the rejection.

Applicants submit that a *prima facie* case of obviousness with regard to independent claims 1, 11, 21 and 31 has not been met and the rejection should be withdrawn for at least the following reasons: (1) the cited references, either alone or in the asserted combination, do not teach or suggest every element of the claimed invention; (2) there is no motivation to modify the system of *Fawcett* in view of the teachings of *Hrastar* and *Matsuzaki* to arrive at the claimed invention; and (3) there is no reasonable expectation of success.

Pages 3-6 of the Office Action set forth an argument that independent claim 1 is obvious over *Fawcett* in view of *Hrastar* and *Matsuzaki*, and this rejection is applied to independent claims 11, 21 and 31 as well on page 6.

In the rejection of all of the independent claims, the Office Action refers to the following discussion of claim 1:

transmitting unique terminal information identifying the one receiving terminal as a destination and an update program to change the processing of the one receiving terminal, such that the unique terminal identification information being selected in a manner unrelated to the authentication data, and the transmitting step including converting the unique terminal information into converted unique terminal information comprising a key ID and transmitting the converted unique terminal information to the one receiving terminal.

(Office Action, p.3)

The Office Action acknowledges a critical deficiency of *Fawcett* with regard to the above quotation, stating that *Fawcett* "does not discuss the details of the authentication process." (Office Action, p.3.) As best understood by applicant, the Office Action appears to concede that *Fawcett* does not the feature of the "transmitting" stage at all, including converting the unique terminal information into

converted unique terminal information comprising a key ID.

In an attempt to remedy this deficiency, the Office Action relies on *Hrastar*, stating:

Nevertheless *Hrastar*, which is in the same field of endeavor discloses that after a user is authenticated by the ISP server, a particular IP address (which uniquely identifies the host on the network) is dynamically assigned to the computer (i.e., host) and transmitted to the instant host, see col. 16, lines 30-67 thru col. 17 lines 30 and col. 18, lines 1-40.

Hrastar teaches that the dynamically assigned IP address is taken from a list of available IP addresses, whereas the list of available IP addresses is updated whenever a new host is assigned IP address' or a host/model 106 becomes inactive for a certain period of time thereby releasing their assigned IP address', which reads on the claimed feature, 'unique terminal identification information being selected in a manner unrelated to the authentication data'. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify *Fawcett* with the feature of dynamically assigning IP addresses, instead of static IP address assignment, at least for the advantage of using IP addresses that have been released by inactive hosts, which allows more hosts to access the Internet using the limited IP addresses, see *Hrastar* col.3, lines 1-65; col.6, lines 10-42; col. 11, lines 1-20; col. 15, lines 45-67; col. 19, lines 1-20.

(Office Action, pp.3-4, emphasis added)

Applicants have carefully reviewed the cited portions of *Hrastar* and fail to see where the reference discloses or suggests what the Office Action contends it does. In order to overcome the admitted deficiency of *Fawcett*, the reference must teach or otherwise suggest the claimed features missing from the primary reference. Here, as best understood by applicants, the Office Action merely states that dynamic assignment and releasing of IP addresses "reads on" the "unique terminal identification information" of the claims. However, the claims

require much more. For instance, in claim 1 the transmitting step includes "converting said unique terminal information into converted unique terminal information comprising a key ID and transmitting said converted unique terminal information to said one receiving terminal." The Office Action does not appear to address this feature on the merits in the rejection. Applicants respectfully submit that such a feature is not disclosed or otherwise suggested in *Hrastar* or *Matsuzaki* and therefore the obviousness rejection is fatally deficient.

Thus, with regard to the first reason, the rejection fails to set forth a *prima facie* case because purported combination of references does not teach or suggest every element of the claimed invention. In view of this, applicants submit that there is also no proper motivation to modify the system of *Fawcett* in view of the teachings of *Hrastar* and *Matsuzaki* to arrive at the claimed invention there is no reasonable expectation of success.

In view of the above, applicants submit that independent claims 1, 11, 21 and 31 are in condition for immediate allowance.

Furthermore, claims 6-9, 16-19, 26-29 and 36-39 depend from claims 1, 11, 21 and 31, respectively, and contain all the limitations thereof. Thus, for at least this reason, applicants submit that the subject dependent claims are likewise in condition for allowance.

Claims 10, 20, 30, 40 and 41-44 were rejected under 35 U.S.C. § 103(a) as being obvious over *Fawcett*, *Hrastar* and *Matsuzaki* in view of U.S. Patent No. 5,835,725 ("*Chiang*"). Applicants respectfully traverse the rejection.

These claims depend from claims 1, 11, 21 and 31, respectively, and contain all the limitations thereof. Thus, for at least this reason, applicants submit that the subject

dependent claims are likewise in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have. If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

Andrew T. Zidel

Registration No.: 45,256
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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